

NA



\*FILE\*



\*PROVISIONAL PERMIT\*



\*76D \*



\*75419\*



\*00\*

Current File Location: **NEW STORAGE**

As of : 12/29/2000

Status: **IN**

Box Bar Code: **94961**

File Bar Code: **294091**

**Verification:**

*All materials*

- Verifab
- Calculation worksheet
  - Maps
  - Photos
- Correspondence—  
reverse chronological order

**FILMED**

**Verification**

R A F T  
CERTIFICATE OF WATER RIGHT  
(FOR PERFECTED PERMIT TO APPROPRIATE WATER)

UPON FINDING THE REQUIREMENTS OF SECTION 85-2-315 MCA,  
HAVE BEEN MET, THIS CERTIFICATE OF WATER RIGHT IS ISSUED TO:

DOUGLAS A & KATHLEEN SHEFFLER  
RR 1 BOX 446  
BONNERS FERRY ID 83806

CERTIFICATE NUMBER: 75419-76D

PRIORITY DATE: AUGUST 02, 1990 AT 3:20 P.M.

SOURCE: UNNAMED TRIBUTARY OF KOOTENAI RIVER

DIVERSION: MEANS: PIPELINE  
NENENW SEC. 28 TWP. 33N RGE. 34W LINCOLN CO

TOTAL FLOW RATE: 30.00 GPM

TOTAL VOLUME: 3.00 ACRE FEET PER YEAR

USE: 30.00 GPM UP TO 3.00 AC-FT  
FROM: 01/01-12/31  
FOR MULTIPLE DOMESTIC

PLACE OF USE: NENENW SEC. 28 TWP. 33N RGE. 34W LINCOLN CO  
FOR MULTIPLE DOMESTIC

SWNWNE SEC. 28 TWP. 33N RGE. 34W LINCOLN CO  
FOR MULTIPLE DOMESTIC

**\*\* PRIOR RIGHTS:**

THIS RIGHT IS SUBJECT TO ALL PRIOR EXISTING WATER RIGHTS IN THE SOURCE  
OF SUPPLY. FURTHER; THIS PERMIT IS SUBJECT TO ANY FINAL DETERMINATION  
OF EXISTING WATER RIGHTS, AS PROVIDED BY MONTANA LAW.

**\*\* IMPORTANT INFORMATION:**

THERE ARE TWO HOMES. A SEPARATE PIPELINE SUPPLIES  
EACH HOME.

**\*\* OWNERSHIP UPDATE:**

IF THE OWNERSHIP CHANGES ON ANY PORTION OF OR ALL OF THIS RIGHT, A  
WATER RIGHT OWNERSHIP UPDATE, FORM 608, MUST BE FILED WITH THE  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION.

FAILURE TO COMPLY WITH ANY OF THE TERMS AND CONDITIONS MAY RESULT IN  
THE LOSS OF THE WATER RIGHT GRANTED BY THIS PERMIT.

DATE: NOVEMBER 01, 2000



## Report of Findings

Water Right #: 76D-075419-00

Water Right Owner: Douglas A. & Kathleen Sheffler

Basin-ID-Number

76D

Analyst: Tom Conolly (Water Consulting, Inc.)

Date: August 11, 2000

### Recommendation:

- Approve as Permitted or Authorized
- Approve with Modifications
- On-site Inspection Recommended to Complete Verification
- Revoke Permit

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### Report of Findings:

#### Background

This permit was issued on August 30, 1990 to Douglas A. & Kathleen Sheffler with a priority date of August 2, 1990. The appropriation is for 3.00 acre-feet, diverted at a point in the NENENW, Sec. 28, T33N, R34W, Lincoln County, Montana. The source is an unnamed tributary of the Kootenai River. The flow rate is 30 gallons per minute. The period of appropriation is 1/1 – 12/31. The beneficial use is domestic for 2 houses and the places of use are the NENENW & SWNWNE Sec. 28, T33N, R34W, Lincoln County, Montana. The diversion means is pipeline. This permit was issued with the standard deadline, prior water rights, adjudication, and transfer conditions.

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#### Analysis

On August 14, 2000, Kathleen Sheffler was contacted to clarify some items on the questionnaire she completed on October 21, 1999. The Sheffler's mailing address is actually RR1 Box 446, Bonner's Ferry, Idaho 83806 and should be corrected. Using a USGS 7.5' Topographic Map, Leonia; ID, MT 1965 (Photorevised 1983) Quadrangle and a Certificate of Survey provided by the Permittees, the source, point of diversion, and places of use are verified as permitted. The legal land description of the main home provided by the permittees in the questionnaire (NENWSE Section 28) is in error. The topographic map and Certificate of Survey clearly show the main home in the SWNWNE

of Section 28. Total flow rate was calculated by DNRC (Kalispell) as part of the permit application process. Because there have been no changes to this water development, total flow rate should remain as permitted. Total volume (3.00 acre-feet) is appropriate for domestic use in two dwellings and should remain as permitted. The periods of appropriation and use are year-round and reflect actual diversion and usage. Water is diverted via two separate gravity flow pipelines with one pipeline per dwelling. The intakes for the separate pipelines are approximately 30' apart. Mrs. Sheffler confirmed that a lawn/garden of approximately 1,000 square feet is also irrigated with water from this permit.

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**Recommendation**

Correct address to "RR1 Box 446 Bonners Ferry ID 83806". Correct diversion means to "Pipelines". Add II Remark "There are two houses. A separate pipeline supplies each house." Because there is no recommendation to reduce total volume or flow rate or any other item of the permit that hasn't been discussed with the permittee, it may not be necessary for the permittees to review and sign this Permit Verification Abstract.

Actual hours spent on this project: 5.50



TO BE COMPLETED BY VERIFIER:

ADDITIONAL COMPUTER DATA: WELL: DEPTH-\_\_\_ STATIC LEVEL-\_\_\_ WELL YIELD-\_\_\_ CASING SIZE-\_\_\_ PUMP SIZE-\_\_\_

RESERVOIR: DAM HEIGHT-\_\_\_ SURFACE ACRES-\_\_\_ STOCK: ANML UNITS-\_\_\_ DOMESTIC: HOUSES- 2 IRRIGATION: TYPE-\_\_

SUPPLEMENTAL RIGHTS: IF THIS PERMIT IS SUPPLEMENTAL TO ANY OTHER RIGHTS, MEANING THEY HAVE OVERLAPPING PLACES OF USE, LIST THE WATER RIGHT NUMBERS. No

MICROFILM CHECK: ALL PERMITS WILL BE REFILMED IN THEIR ENTIRETY. DOES THE FILE RECORD CONTAIN ANY LARGE MAPS THAT HAVE ALREADY BEEN FILMED? \_\_\_ YES X NO

VERIFICATION ATTACHMENTS: (SPECIFY ADDENDUMS, REPORTS, MAPS, PHOTOS, ETC.) Portion of USGS 7.5' Topographic Map, Leonia, ID, MT-1965 (Photo revised 1983) showing Pad & Poll, original Questionnaire & Plat map provided by Permittees

VERIFIER'S SIGNATURE: Tom Conolly DATE: August 21, 2000

\*\*\*\*\*

\* TO BE COMPLETED BY PERMITTEE: \*

\* PERMITTEE (CHECK ONE):  I AGREE WITH ALL OF THE ABOVE FINDINGS OF THE VERIFIER. \*  
\*  I DO NOT AGREE WITH ALL OF THE ABOVE FINDINGS OF THE VERIFIER, AND HEREBY SPECIFY THOSE ITEMS OF DISAGREEMENT \*

\* \_\_\_\_\_ \*  
\* \_\_\_\_\_ \*  
\* \_\_\_\_\_ \*

\* PERMITTEE (CHECK ONE): I  DO NOT  DO REQUEST A HEARING ON THE SPECIFIC ITEM(S) OF DISAGREEMENT LISTED ABOVE. \*

\* PERMITTEE'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_ \*  
\* (ONLY ONE PERMITTEE NEED SIGN) \*

\*\*\*\*\*

TO BE COMPLETED REGIONAL OFFICE MANAGER:

CHECK THE PROPER BOX OR SPECIFY THE PROCESSING ACTION NEEDED ON THE PERMIT:

- ISSUE CERTIFICATE OF WATER RIGHT AS PERMITTED (NO CHANGES NEEDED).
- ISSUE CERTIFICATE OF WATER RIGHT WITH VERIFIED CHANGES (SEE PERMITTED DATA SECTION).
- PERMIT MODIFICATION HEARING NECESSARY.
- DO NOT ISSUE A CERTIFICATE. PERMIT IS ABANDONED OR NOT COMPLETE (REVOKE PERMIT).
- OTHER (SPECIFY)

REGIONAL OFFICE MANAGER'S SIGNATURE: [Signature]

DATE: 10/23/2000



# DOMESTIC USE

RECEIVED

LIST ONLY INFORMATION PERTAINING TO DOMESTIC USE.

OCT 27 1999

DNR/C

1. WHAT IS THE PHYSICAL ADDRESS OF THE HOME? 10809 Hwy 2 N Troy, MT  
59935

2. WHAT IS THE LEGAL LAND DESCRIPTION OF THE HOME?  
NE 1/4 NW 1/4 SE 1/4 Section 28, Twp 33N N/S Rge \_\_\_\_\_ E/W County \_\_\_\_\_  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Tract No. 2K+2L Subdivision Name \_\_\_\_\_  
in T1E9  
p 98

3. WHAT IS THE LAND DESCRIPTION OF WHERE YOU DIVERT THE WATER?  
NE 1/4 NE 1/4 NW 1/4 Section 28, Twp 33N N/S Rge 34W E/W County Lincoln  
Lot \_\_\_\_\_ Block \_\_\_\_\_ Tract No. 2G Subdivision Name \_\_\_\_\_  
in NW 1/4

4. WHAT SIZE OF LAWN AND/OR GARDEN DO YOU WATER?  
 No lawn and/or garden watered.  
 Lawn and/or garden is 20 FEET WIDE and 50 FEET LONG

5. DO YOU USE THE WATER IN MORE THAN ONE HOME?  YES  NO  
If yes, explain. Guest house up stream has siphoned  
water from creek / Our home piped from uphill spot close  
to guest house / separate pipes

6. WHEN DO YOU USE THE WATER?  
 From January 1 to December 31  
 From April 1 1 through 9 1 31  
Month Day Month Day

7. IS YOUR FLOW RATE DIFFERENT FROM THE PUMP CAPACITY?  Yes  No  
If yes, what is the actual flow rate? 30 GPM GPM  
No pump

8. MAP Please provide a plat map which is available from your county clerk and recorder. If a plat map is not available, please provide a USGS quad map. Place an X on the map to show where your home is located and also the point from where you take the water.

If at all possible, please attach a PHOTOGRAPH of your diversion site and your home.

THE ABOVE INFORMATION IS A TRUE STATEMENT OF THE EXTENT THE PROJECT WAS DEVELOPED.

\* SIGNATURE Kathleen Sheffo

DATE 10/21/99

# WATER USE PERMIT QUESTIONNAIRE

1. WATER RIGHT NO. 76D- P075419-00
2. WATER RIGHT OWNER Douglas A. ~~St~~ + Kathleen Sheffler  
 Mailing Address RR1 Box 446  
 City/State/Zip Bonnars Ferry, ID 83806  
 Home Phone 208-267-2386 Day Phone 208-267-2956
3. WHO PREPARED THIS INFORMATION?  Water Right Owner  Other (complete information below)  
 Preparer Name Kathleen Sheffler  
 Mailing Address same as above  
 City/State/Zip \_\_\_\_\_  
 Home Phone \_\_\_\_\_ Day Phone \_\_\_\_\_
4. IS THE DEVELOPMENT OPERATIONAL?  Yes  No  
 If not, explain why and give date of last use. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
5. WHAT IS YOUR SOURCE OF WATER?  
 Well  
 Developed Spring  
 Lake/Reservoir Name \_\_\_\_\_  
 Stream Name \_\_\_\_\_  
 Unnamed Source - Tributary to: Kootenai River
6. HOW DO YOU DIVERT THE WATER?  
 Pump GPM Capacity \_\_\_\_\_ HP Rating \_\_\_\_\_ Vertical Lift (in feet) \_\_\_\_\_  
 Brand Name \_\_\_\_\_ Model Number \_\_\_\_\_  
 Pipeline Inside Diameter Size 2 inches Length 300' more or less  
 Headgate  
 Dam  
 Pit  
 Other \_\_\_\_\_

THE ABOVE INFORMATION IS A TRUE STATEMENT OF THE EXTENT THE PROJECT WAS DEVELOPED.

\* SIGNATURE Kathleen Sheffler

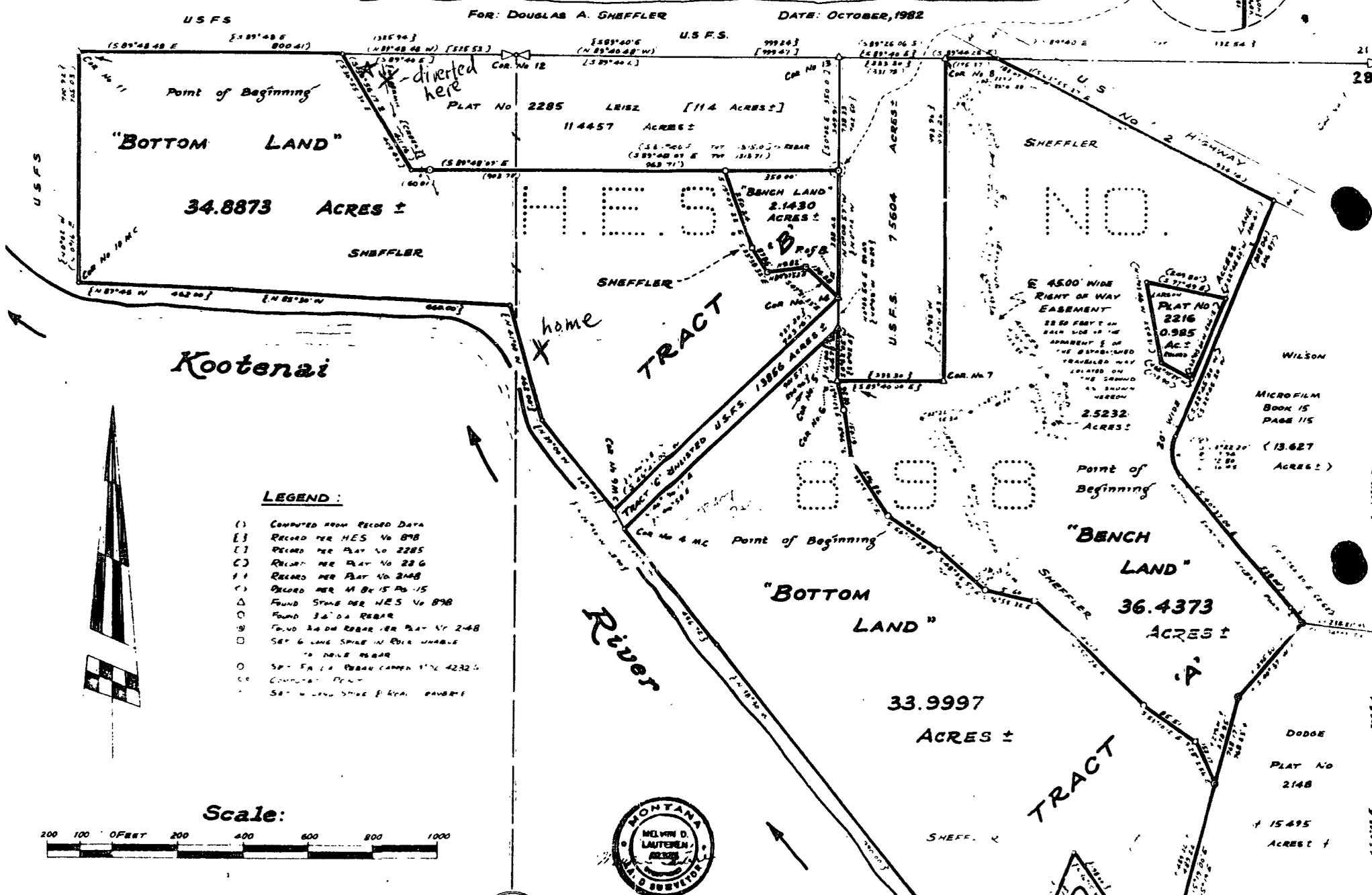
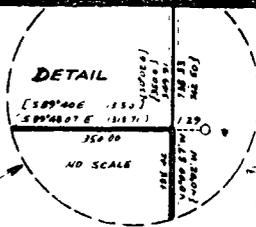
DATE 10/21/99

# LINCOLN COUNTY, MONTANA CERTIFICATE OF SURVEY

A PART OF HOMESTEAD ENTRY SURVEY No 898 - LYING  
WITHIN THE NE 1/4, THE NW 1/4, AND THE SE 1/4 ALL OF SECTION 28 TWP 33 N, R 34 W, P M M

FOR: DOUGLAS A. SHEFFLER

DATE: OCTOBER, 1982



Kootenai

TRACT

TRACT

**LEGEND:**

- ( ) COMPUTED FROM RECORD DATA
- [ ] RECORD PER HES No 898
- [ ] RECORD PER PLAT No 2285
- [ ] RECORD PER PLAT No 2286
- [ ] RECORD PER PLAT No 2448
- ( ) RECORD PER M.B. 15 P. 15
- △ FOUND STAKE PER HES No 898
- FOUND 3/4" DIA REBAR
- FOUND 1/2" DIA REBAR PER PLAT No 2448
- SET 6 LONG SPIKE IN BOLT UNABLE TO DRIVE REBAR
- SET 1/4" DIA REBAR CAPPER 1 1/2" 42324
- COMPUTED POINT
- SET 1/2" LONG SPIKE IN BOLT UNABLE

Scale:



MICRO FILM  
BOOK 15  
PAGE 115

DODGE  
PLAT No  
2148

15495  
ACRES ±

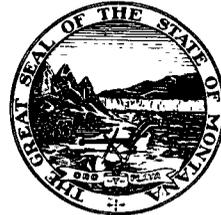


**Permit/Authorization:**

- Permit
- Authorization,  
with final order  
if applicable

**Permit/  
Authorization**

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1520 EAST SIXTH AVENUE HELENA, MONTANA 59620



# Permit to Appropriate Water

THIS PROVISIONAL PERMIT TO APPROPRIATE WATER IS HEREBY ISSUED TO:

DOUGLAS A & KATHLEEN SHEFFLER  
10809 HWY 2 N  
TROY MT 59935

UPON FINDING THAT THE REQUIREMENTS OF SECTION 85-2-311 MCA  
HAVE BEEN MET.

PERMIT NUMBER: 75419-S76D

PRIORITY DATE: AUGUST 02, 1990 AT 3:20 P.M.

SOURCE: UNNAMED TRIBUTARY OF KOOTENAI RIVER

TOTAL FLOW RATE: 30.00 GPM

TOTAL VOLUME: 3.00 ACRE FEET PER YEAR

DIVERSION POINT: NENENW SEC. 28 TWP. 33N RGE. 34W LINCOLN CO

PERIOD OF APPROPRIATION: JAN 01 - DEC 31

USE: 30.00 GPM UP TO 3.00 AC-FT (JAN 01 - DEC 31)  
FOR DOMESTIC

PLACE OF USE: NENENW SEC. 28 TWP. 33N RGE. 34W LINCOLN CO  
FOR DOMESTIC

SWNWE SEC. 28 TWP. 33N RGE. 34W LINCOLN CO  
FOR DOMESTIC

DIVERSION MEANS: PIPELINE

**\*\* REQUIREMENTS FOR PERMIT HOLDER:**

THE DEADLINE FOR COMPLETION OF THIS PERMIT, AND FILING OF THE NOTICE  
OF COMPLETION OF PERMITTED WATER DEVELOPMENT (FORM 617) SHALL BE  
NOVEMBER 30, 1991, VERIFYING THAT THE APPROPRIATION OF WATER HAS BEEN  
COMPLETED AS PERMITTED.

**\*\* PRIOR RIGHTS:**

THIS PERMIT IS SUBJECT TO ALL PRIOR EXISTING WATER RIGHTS IN THE SOURCE  
OF SUPPLY. FURTHER; THIS PERMIT IS SUBJECT TO ANY FINAL DETERMINATION  
OF EXISTING WATER RIGHTS, AS PROVIDED BY MONTANA LAW.

FAILURE TO COMPLY WITH ANY TERMS AND CONDITIONS HEREIN MAY RESULT IN  
THE LOSS OF THE WATER RIGHT GRANTED BY THIS PERMIT.

**\*\* TRANSFER OF OWNERSHIP:**

UPON A CHANGE IN OWNERSHIP OF ALL OR ANY PORTION OF THIS PERMIT,  
THE PARTIES TO THE TRANSFER SHALL FILE WITH THE DEPARTMENT OF NATURAL  
RESOURCES AND CONSERVATION A WATER RIGHT TRANSFER CERTIFICATE,  
FORM 608, PURSUANT TO SECTION 85-2-424, MCA.

WITNESS

*Dorothy Morrison*

ADMINISTRATIVE ASST: RONALD J GUSE

*Ronald J. Guse*

DATE: AUGUST 30, 1990 WATER RIGHTS BUREAU, WATER RESOURCES DIVISION

**Application materials:**

- Application
- Work copy
- Final letter.
- Supplement
- Independent evidence
  - Well log

**Application  
Materials**

RECEIVED

Form No. 600 R 12/87

AUG 2 1990

MONTANA D.N.R.C.  
KALISPELL FIELD OFFICE

# APPLICATION FOR BENEFICIAL WATER USE PERMIT

(for groundwater of 100 gpm or more, and all surface water)

## INSTRUCTIONS

Use one application for each source of supply or each development. Check all appropriate boxes and fill in each blank. If in your case any question is not applicable, enter NA (not applicable). If more space is needed, attach additional sheets.

A map must accompany this application as instructed under Item 12.

Complete the application and submit it with the appropriate filing fee to the Water Rights Bureau field office nearest you. Their locations are listed on the last page. The form will be returned if any of the pertinent information is incomplete.

### FOR DEPARTMENT USE ONLY

Application No. 75419-76D  
Date Rec'd. 8-2-, 1990  
Time 1520 am/pm  
Rec'd. By RJA  
Fee Rec'd. 50.00  
Check No. 1253  
Transmittal No. 08-005-0-17  
Refund \_\_\_\_\_

(Please type or print in ink)

1. NAME OF APPLICANT Douglas A. Sheffler and Kathleen Sheffler  
Mailing Address 10809 Hwy. 2 N  
City or Town Troy State Montana Zip 59935  
Home Phone (406) 295-5773 Other Phone \_\_\_\_\_

2. Source of Water Supply: Check and/or complete one source below.

- Well
- Lake Name \_\_\_\_\_ Tributary to \_\_\_\_\_
- Stream Name \_\_\_\_\_  Unnamed Source  
Tributary to KOOTENAI RIVER
- Spring Name, if any \_\_\_\_\_  
Tributary to \_\_\_\_\_
- Closed Basin (A closed basin results when water drains into a depression, lake, etc. from which water escapes only by evaporation.)

3. Point of Diversion (Describe the location down to the nearest 10 acres):

NE 1/4 NE 1/4 NW 1/4 Section 28, Township 33 N, Range 34 W, LINCOLN County.  
(and when applicable)  
Government Lot \_\_\_\_\_, or Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision Name \_\_\_\_\_

Additional Point of Diversion: (Also use Item 13, Remarks, for additional points of diversion):

\_\_\_\_ 1/4 \_\_\_\_ 1/4 \_\_\_\_ 1/4 Section \_\_\_\_\_, Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ EW, \_\_\_\_\_ County  
(and when applicable)  
Government Lot \_\_\_\_\_, or Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision Name \_\_\_\_\_

MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

1520 EAST SIXTH AVENUE

HELENA, MONTANA 59620-2301

444-6610

# DNRC

The water will be discharged to same source, if not consumed.

Yes  No If no, explain and give the complete land description at the point of discharge.

\_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 Section \_\_\_\_\_, Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ EW, \_\_\_\_\_ County,  
(and when applicable)  
Government Lot \_\_\_\_\_, or Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision Name \_\_\_\_\_

4. Means of Diversion

- Pump  Well: \_\_\_\_\_ Depth (in feet)
- \_\_\_\_\_ Rated Capacity (gpm, ghp, cfs)  Developed Spring
- \_\_\_\_\_ Horsepower  Dikes
- \_\_\_\_\_ Lift (in feet)

Headgate/Ditch or Pipeline GRAVITY FLOW

If other, describe: \_\_\_\_\_

5. Reservoir (impoundment by dam or pit). See formulas below for computing volume.

- a. Capacity of existing (old) reservoir \_\_\_\_\_ acre-feet.
  - b. Capacity of proposed (new) reservoir or enlarged reservoir \_\_\_\_\_ acre-feet.
  - c. Would a permanent drainage device be installed? \_\_\_\_\_ Yes \_\_\_\_\_ No
  - d. Reservoir will be located off-stream (away from source) \_\_\_\_\_ Yes \_\_\_\_\_ No
- If yes, give location: \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 Section \_\_\_\_\_, Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ EW, \_\_\_\_\_ County

Total volume of pit \_\_\_\_\_ Compute as follows:

Surface area \_\_\_\_\_ acres x maximum depth \_\_\_\_\_ feet x 0.5 = \_\_\_\_\_ volume acre-feet.

Total volume of reservoir \_\_\_\_\_ Compute as follows:

Surface area \_\_\_\_\_ acres x 0.4 x maximum depth in feet at dam \_\_\_\_\_ = \_\_\_\_\_ volume acre feet.

6. Period of Appropriation: 01-01 to 12-31 inclusive each year.  
(month/day) (month/day)

(The period during the year when the water will be diverted, impounded or withdrawn from the source of supply.)

7. Description of Proposed Beneficial Uses:

Stock: Estimated maximum number and type of livestock \_\_\_\_\_

Domestic: Number of families to be supplied ~~\_\_\_\_\_~~ Two

Other (Describe) \_\_\_\_\_

Irrigation

a. Method of Irrigation

- Sprinkler  Spreader Dike  Border Dike
- Contour Ditch Other (Describe) \_\_\_\_\_

- b. Type of crops to be grown: \_\_\_\_\_
- c. Number of irrigations per season: \_\_\_\_\_
- d. If the purpose of this appropriation is to provide additional water to lands which are already irrigated, then the acreage that receives the additional water is considered **supplemental**. If this application involves supplemental irrigation indicate the basis of the **existing water right** that is being supplemented.
- Claim No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Certificate No. \_\_\_\_\_
- Other \_\_\_\_\_

**8. Place of Use**

**Irrigation:** List the acreages to be irrigated and their location by legal land description. Also indicate in the extreme right-hand column the number of acres to be receiving additional water with an "S" for supplemental, and the acres to be irrigated for the first time with an "N" for new.

County	Subdivision Name	New (N) or Supplemental (S)
_____ Acres, Lot _____ Block _____, _____ 1/4 _____ 1/4 _____ 1/4 Section _____, T _____ N/S, R _____ EW _____		
_____ Acres, Lot _____ Block _____, _____ 1/4 _____ 1/4 _____ 1/4 Section _____, T _____ N/S, R _____ EW _____		
_____ Acres, Lot _____ Block _____, _____ 1/4 _____ 1/4 _____ 1/4 Section _____, T _____ N/S, R _____ EW _____		
_____ Acres, Lot _____ Block _____, _____ 1/4 _____ 1/4 _____ 1/4 Section _____, T _____ N/S, R _____ EW _____		
_____ Acres, Lot _____ Block _____, _____ 1/4 _____ 1/4 _____ 1/4 Section _____, T _____ N/S, R _____ EW _____		
_____ Acres, Lot _____ Block _____, _____ 1/4 _____ 1/4 _____ 1/4 Section _____, T _____ N/S, R _____ EW _____		
_____ Acres, Lot _____ Block _____, _____ 1/4 _____ 1/4 _____ 1/4 Section _____, T _____ N/S, R _____ EW _____		
_____ Acres, Lot _____ Block _____, _____ 1/4 _____ 1/4 _____ 1/4 Section _____, T _____ N/S, R _____ EW _____		
_____ Acres, Lot _____ Block _____, _____ 1/4 _____ 1/4 _____ 1/4 Section _____, T _____ N/S, R _____ EW _____		
_____ Acres, Lot _____ Block _____, _____ 1/4 _____ 1/4 _____ 1/4 Section _____, T _____ N/S, R _____ EW _____		

**Nonirrigation:** If the place of use of the water will be the same as point of diversion (Item 3), check . If not, give the location of use:

SW 1/4 NW 1/4 NE 1/4 Section 28, Township 33 N, Range 34 W, LINCOLN County,  
NE NE NW 28 (and when possible) 34 W LINCOLN  
 Government Lot \_\_\_\_\_, or Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision Name \_\_\_\_\_

**9. Amount of water, use to which it will be applied (irrigation, stock, domestic, other) and period of use:**

30 <sup>cfs</sup> gpm up to 3 ~~acre-feet~~ for DOMESTIC use from 01-01 to 12-31  
 (mo./day) (mo./day)

\_\_\_\_\_ <sup>cfs</sup> gpm up to \_\_\_\_\_ for \_\_\_\_\_ use from \_\_\_\_\_ to \_\_\_\_\_  
 (mo./day) (mo./day)

\_\_\_\_\_ <sup>cfs</sup> gpm up to \_\_\_\_\_ for \_\_\_\_\_ use from \_\_\_\_\_ to \_\_\_\_\_  
 (mo./day) (mo./day)

Total amount requested 30 <sup>cfs</sup> gpm up to 3 ~~acre-feet~~ acre-feet per year.

**10. Proposed Construction:**

What is the amount of time needed to complete the development after permit is received? (Note: Construction should not begin until permit is received.)

PROJECT COMPLETE (N.O.C. DUE 11-30-90)

**11. Ownership:**

- a. Property owner at the point of diversion DOUGLAS & KATHLEEN SHEFFLER
- b. Property owner at the place of use SAME
- c. If you are not the owner at (a) or (b) above, it is your responsibility to obtain the necessary easements and right-of-way. If state or federal lands are involved, contact the appropriate agency since the water right may need to be applied for by them.

**12. Location Map:**

A map showing the following items **must** accompany this application. Failure to supply an accurate map constitutes an incomplete application and the application will be returned for completion. An ASCS aerial photo or USGS topographic map may be used.

Items to be shown on the map:

- a. Township and range numbers
- b. Section corners and number.
- c. Point of diversion
- d. Location of conveyance ditch, pipeline etc.
- e. Place of use (irrigated acres: new and supplemental, location of stock tanks)
- f. Applicant's signature or name of person preparing map

**13. Remarks:** Provide any additional information that would help in explaining the proposed appropriation.

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**14. The applicant certifies that the statements appearing here are to the best of his/her knowledge true and correct.**

*Douglas A. Stupp*

Signature

8/2/90

Date

Signature

Date

SUBMIT THE COMPLETED APPLICATION AND PROPER FILING FEE TO THE APPROPRIATE FIELD OFFICE NEAREST YOU. FIELD OFFICES ARE LOCATED IN: HELENA, MISSOULA, KALISPELL, HAVRE, GLASGOW, MILES CITY, BILLINGS, LEWISTOWN AND BOZEMAN. (Check your local telephone directory for addresses and telephone numbers.)

**FEE SCHEDULE**

**A) Fee charge based on the following rate schedule: For consumptive uses:**

0 - less than 25 acre-feet per year	\$ 50
25 - less than 100 acre-feet per year	\$100
100 - less than 500 acre-feet per year	\$150
500 - less than 1,000 acre-feet per year	\$200
1,000 - or more acre-feet per year	\$250

**B) For Applications for non-consumptive uses: Fee charge based on following rate schedule:**

0 - less than 1,000 acre-feet per year	\$ 50
1,000 - less than 10,000 acre-feet per year	\$100
10,000 - or more acre-feet per year	\$200

For any Application with a combination of consumptive and non-consumptive uses the rate schedule shown in (A) above shall apply.

**C) For any request for an Interim Permit to drill and test only; there shall be a fee of \$10.00 in addition to the rate schedules shown in (A) or (B) above.**

Application No. 75419 576D

Applicant's Name: SHEFFLER, DOUGLAS

**SUPPLEMENT TO APPLICATION FOR BENEFICIAL WATER USE PERMIT**

**Criteria for Issuance of Permit**

Section 85-2-311(1), MCA, provides the Department shall approve a water use permit for an appropriation of less than 4,000 acre-feet and 5.5 cubic feet per second of water if the applicant proves by substantial credible evidence that the following criteria are met.

To meet the substantial credible evidence standard in this section, the Applicant shall submit independent hydrologic or other evidence, including water supply data, field reports, and other information developed by the Department, the United States Geological Survey, or the United States Soil Conservation Service and other specific field studies, demonstrating that the criteria are met.

a) What substantial credible evidence do you have to prove there is unappropriated water at the proposed point of diversion at the times and in the amount you seek to appropriate and that, during the period you intend to use it, the amount requested is reasonably available?

*I HAVE USED water since 1953 for household use. Its always available  
see exhibit A for water availability  
There are no other water users on this source*

b) What substantial credible evidence do you have to prove the water rights of prior water users will not be adversely affected if your permit is granted?

*according to the D-N-R-C Records and 1st hand knowledge there are no other water rights on this source see exhibit C for land owner of McLaughlin Creek and exhibit D for land description*

c) Describe the proposed means of diversion, construction, and operation of the diversion works you intend to use and describe what substantial credible evidence you have to prove the proposed means of diversion, construction and operation are adequate.

*see exhibit A and B - Storage Pond in line from point of diversion. gravity flow system has been in operation since 1953 and is still in operation.*

d) What substantial credible evidence do you have to prove the proposed use of water is a beneficial use?

*house hold use - domestic*

e) What substantial credible evidence do you have to prove the proposed use will not interfere unreasonably with other planned uses or developments for which a permit has been issued or for which water has been reserved?

*I have no knowledge of any reserved water rights and there are no other water users per D.N.R.C. records while I have reserved. see exhibit B for documentation*

f) Do you have possessory interest or the written consent of the person with possessory interest in the proposed place of use?

YES  NO NOTE: Attach a copy of the written consent when applicable.

PROJECT PLAN

A general project plan is required (Section 85-2-310(4)) for appropriations of less than 4,000 AF and 5.5 CFS of water a year. The plan must include the following information: starting date of construction, a general time line for purchasing and installing equipment, the anticipated completion date, and a description of when and how much water will be put to a beneficial use. The completion date is the date by which the diversion works will be operating and the permitted water will be in use to the extent planned. In the space provided below, describe your project plan. Attach additional sheets if necessary.

*Project is complete and has been used since 1953. The notice of completion can be filed when permit is issued*

The applicant hereby affirms that the statements appearing herein, on the application and on any attachments, are to the best of his/her knowledge true and correct.

Applicant's Signature: *Douglas A Sheffler* Date: *8/3/90*

Subscribed and sworn before me this *2<sup>nd</sup>* day of *August*, 19*90*

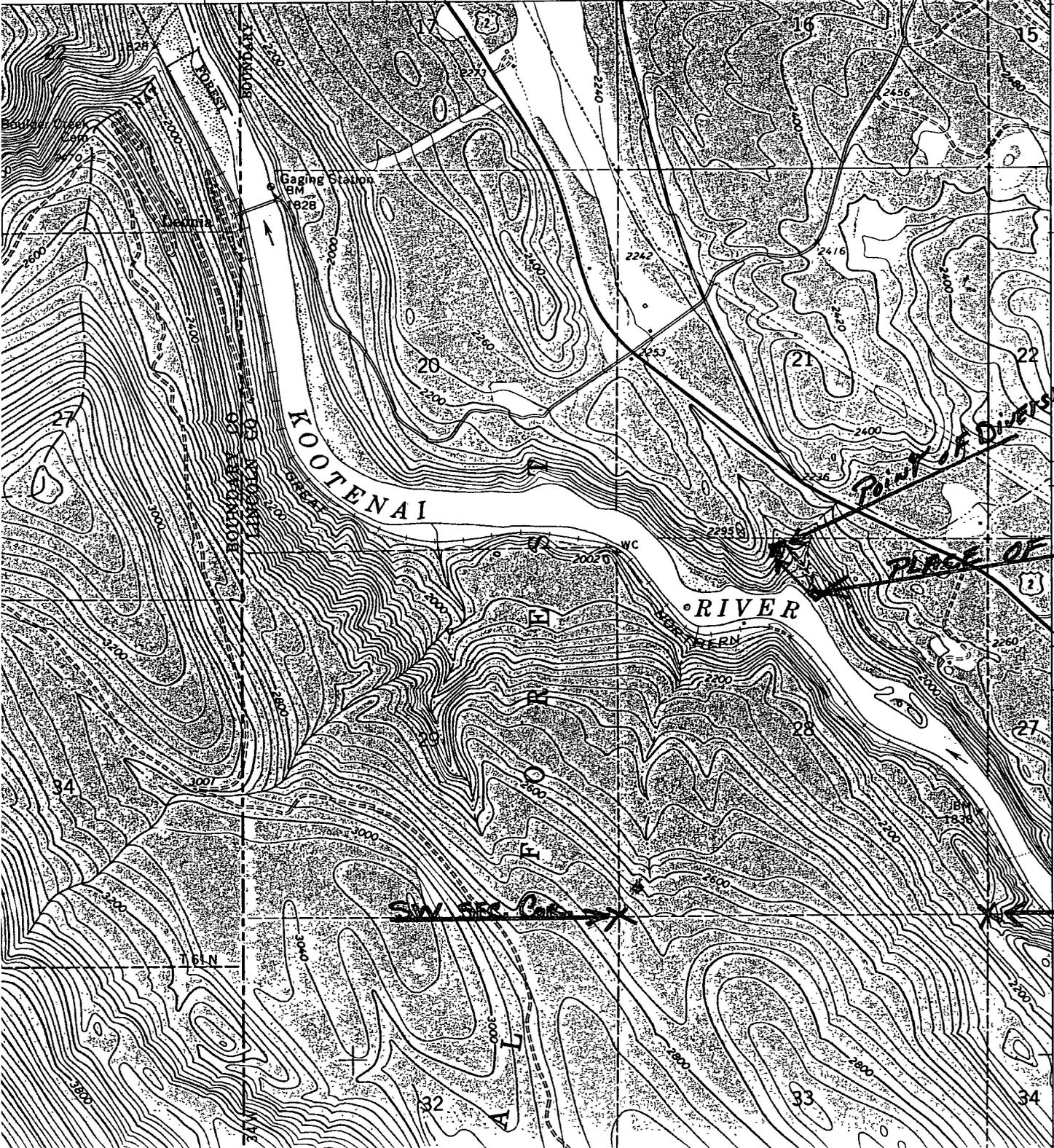
NOTARY'S SIGNATURE *[Signature]*

Notary for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_ NOTARY PUBLIC for the State of Montana  
My commission expires \_\_\_\_\_ Residing at Kalispell, Montana  
My Commission Expires April 6, 1993

NOTICE

Additional information is required (Section 85-2-310(4) and 85-2-311) if the proposed appropriation exceeds 4,000 acre-feet or more and 5.5 cubic feet per second or more of water or if the appropriation of water is for withdrawal and transportation for use outside the state.

SEC. 28 Twp 33N R3E 34W



*Point of Diversion*  
*PURPOSE OF USE*

5386  
5385  
5384  
2 530 000 FEET  
(IDAHO)  
5383  
5382

*SW SEC. 28*

*SE SEC. 28*

*Douglas a Shaffer*

TO REVIEW  
THE PHOTO  
OR PHOTOS  
ASSOCIATED  
WITH THIS  
WATER RIGHT,  
PLEASE SEE THE  
ORIGINAL FILE

TO REVIEW  
THE PHOTO  
OR PHOTOS  
ASSOCIATED  
WITH THIS  
WATER RIGHT,  
PLEASE SEE THE  
ORIGINAL FILE

DEPARTMENT OF NATURAL RESOURCES & CONSERVATION  
WATER RIGHT SYSTEM  
WATER RIGHT LISTING BY SOURCE NAME BY LAND DESCRIPTION

C

WATER RIGHT	USE	RATE	VOLUME	POINT OF DIVERSION				SOURCE NAME	OWNER NAME		
				QTR	SC TN	SC TWP RGE	CN UT				
S76L W142330-00	ST	15.00	G	24.30	NWSE	36 18N 20W	LA	MCCOLLUM CREEK	LORENTZEN MCDOWELL	LEE MEL	R
S76L W190056-00	IR	20.00	C	8,474.00	SESW	36 18N 20W	LA	MCCOLLUM CREEK	FLATHEAD IRRIGATION PROJECT		
S76L W166613-00	IR	20.00	C	8,474.00	SESW	36 18N 20W	LA	MCCOLLUM CREEK	FLATHEAD IRRIGATION PROJECT		
S76L W1622275-00	FW					00 00	FL	MCDONALD CREEK	US DEPT OF INTERIOR NATIONAL PA		
S76L W162227-00	RC					00 00	FL	X MCDONALD CREEK	US DEPT OF INTERIOR NATIONAL PA		
S76L W128904-00	DM	28.00	G	1.50	SWSW	14 32N 19W	FL	R MCDONALD CREEK	ROYALBY	SACHALY	C
S76I W030837-00	DM	10.00	G	1.50	SWSW	14 32N 19W	FL	R MCDONALD CREEK	DOWAN	MICHAEL	E
S76I W104573-00	DM	20.00	G	1.50	NESW	14 32N 19W	FL	R MCDONALD CREEK	EVENSON	PATTEE	R
S76I W032560-00	DM	15.00	G	1.50	NESW	14 32N 19W	FL	R MCDONALD CREEK	EVENSON	FLAVIS	R
S76I W162316-00	DM	10.00	G	1.50	SWNW	23 32N 19W	FL	R MCDONALD CREEK	ALDERSON	RICHARD	L
S76I W124178-00	IR	110.00	G	4.50	SWSW	11 33N 18W	FL	R MCDONALD CREEK	FIRST NATIONAL	MONTANA BANK TRU	
S76I W124177-00	IR	110.00	G	4.50	SWNW	23 32N 19W	FL	R MCDONALD CREEK	RICE	MARY	M
S76I W124176-00	IR	110.00	G	4.50	SWNW	11 33N 18W	FL	R MCDONALD CREEK	US DEPT OF INTERIOR	NATIONAL PA	
S76I W162310-00	DM	10.00	G	2.00	SESW	11 33N 18W	FL	R MCDONALD CREEK	MACARTHUR	GLORIA	G
S76I W129083-00	DM	10.00	G	1.50	SESW	14 33N 18W	FL	R MCDONALD CREEK	PARKS	ELIN	G
S76N P025285-00	DM	10.00	G	1.00	SESW	25 27N 33W	SA	MCDOWELL CREEK	HOAG	REGINE	A
S76N P024317-00	NS	20.00	G	3.00	SESW	25 27N 33W	SA	MCDOWELL CREEK	HOAG	JOHN	T
S76N W052595-00	ST				SWNW	8 22N 25W	SA	MCGINNIS CREEK	US DEPT OF INTERIOR	NATIONAL PA	
S76N W052594-00	ST				SWNW	14 22N 25W	SA	X MCGINNIS CREEK	US DEPT OF INTERIOR	NATIONAL PA	
S76N W052593-00	ST				NESW	15 22N 25W	SA	X MCGINNIS CREEK	US DEPT OF INTERIOR	NATIONAL PA	
S76N W052596-00	ST				SWNW	16 22N 25W	SA	X MCGINNIS CREEK	US DEPT OF INTERIOR	NATIONAL PA	
S76N W190022-00	IR				NWSE	27 22N 25W	SA	X MCGINNIS CREEK	FLATHEAD IRRIGATION	PROJECT	
S76N W166735-00	IR	25.00	C	10,593.00	NWSE	27 22N 25W	SA	X MCGINNIS CREEK	FLATHEAD IRRIGATION	PROJECT	
S76N W166737-00	IR	58.70	C	24,910.52	SESW	34 22N 25W	SA	X MCGINNIS CREEK	FLATHEAD IRRIGATION	PROJECT	
S76N W190017-00	IR				SESW	34 22N 25W	SA	MCGINNIS CREEK	FLATHEAD IRRIGATION	PROJECT	
S76N W190021-00	IR				NENW	34 22N 25W	SA	X MCGINNIS CREEK	FLATHEAD IRRIGATION	PROJECT	
S76N W166736-00	IR	25.00	C	10,593.00	NENW	34 22N 25W	SA	X MCGINNIS CREEK	FLATHEAD IRRIGATION	PROJECT	
S76C W007691-00	DM	25.00	G	2.00	SWNW	4 25N 28W	LN	MCGINNIS CREEK	NEILS	GERALD	T
S76C W007690-00	RC				SESW	4 25N 28W	LN	MCGINNIS CREEK	NEILS	LEANNE	T
S76C W135002-00	IR	1.25	C	100.00	SESW	17 26N 28W	LN	MCGINNIS CREEK	NEILS	GERALD	T
S76C W134976-00	ST				SE	20 26N 28W	LN	X MCGINNIS CREEK	NEILS	LEANNE	T
S76C W134976-00	ST				SE	20 26N 28W	LN	X MCGINNIS CREEK	SCHNEIDER	JAMES	C
S76C W134976-00	ST				SE	20 26N 28W	LN	X MCGINNIS CREEK	SCHNEIDER	VICKI	L
S76C W134976-00	ST				SE	20 26N 28W	LN	X MCGINNIS CREEK	JOHNSON	ROGER	L

DEPARTMENT OF NATURAL RESOURCES & CONSERVATION  
WATER RIGHT SYSTEM  
WATER RIGHT LISTING BY SOURCE NAME BY LAND DESCRIPTION

WATER RIGHT	USE	RATE	VOLUME	POINT OF DIVERSION				SOURCE NAME	OWNER NAME		
				QTR	SC TN	SC TWP RGE	CN UT				
S76C W025342-00	IR	6.00	C	976.80	SESE	20 26N 28W	LN*	MCGINNIS CREEK	JOHNSON	JOAN	M
S76C W025339-00	IR	6.00	C	976.80	SESE	20 26N 28W	LN*	MCGINNIS CREEK	BURCH	STANLEY	R
S76C W025324-00	ST				SESE	20 26N 28W	LN*	MCGINNIS CREEK	BURCH	STANLEY	R
S76C W025321-00	ST				SESE	20 26N 28W	LN*	MCGINNIS CREEK	BURCH	STANLEY	R

DEPARTMENT OF NATURAL RESOURCES & CONSERVATION  
WATER RIGHT SYSTEM  
WATER RIGHT LISTING BY LAND DESCRIPTION

WATER RIGHT	USE	RATE	VOLUME	POINT OF DIVERSION	QTR	SCTN	SC	TWP	RGE	CN	UT	SOURCE NAME	OWNER NAME
S76D T046315-00	PG			NENESW 27 33N 34W LN								PINE CREEK	LEIGHTY ILAH
G76D C016355-00	DM	20.00 G	1.64	S2NENE 28 33N 34W LN								WELL	JONES CYRIL M JONES BLENDA H LARSON LINDA A LARSON DAVID E
G76D C040631-00	IR	30.00 G	3.58	SESE 28 33N 34W LN								WELL	DODGE MARY DEBORAH LOROS, JR MARY A LOROS, JR MILTON SMITH LEFFARD E
G76D C060098-00	DM	15.00 G	1.50	N2NENE 34 33N 34W LN								WELL (DEPTH - 65 FT)	CORNWELL ERVIN CORNWELL ERVIN CORNWELL DARLENE Y CORNWELL ERVIN J
G76D G147079-00	DM	25.00 G	1.50	SENESE 34 33N 34W LN								WELL (DEPTH - 8 FT)	CORNWELL ERVIN CORNWELL ERVIN CORNWELL ERVIN CORNWELL ERVIN
G76D T018848-00	ST			SENESE 34 33N 34W LN								WELL	CORNWELL ERVIN Y CORNWELL ERVIN J
G76D W147079-00	DM	15.00 G	3.00	SENESE 34 33N 34W LN								WELL	CORNWELL ERVIN Y CORNWELL ERVIN J
G76D W140775-00	RC			NENWNE 34 33N 34W LN							X	KOOTENAI RIVER	MANN WILLIAM R MANN ANNE MARIE CHRISTENSEN MERLE N CORNWELL ERVIN J CORNWELL DARLENE Y
G76D C060997-00	DM	5.00 G	1.50	E2SENE 34 33N 34W LN								WELL (DEPTH - 142 FT)	CORNWELL ERVIN Y CORNWELL ERVIN J CORNWELL DARLENE Y
G76D W147080-00	ST	15.00 G		NESENE 34 33N 34W LN								WELL	
G76I UI162228-00	RC			29 34N 17W FL									US DEPT OF INTERIOR NATIONAL PA
G76LJ W104669-00	MD	40.00 G	6.75	SESESW 26 34N 19W FL								WELL	RIVER BEND WATER ASSN
G76LJ W162302-00	RC	30.00 G	2.00	NWNWSE 7 34N 20W FL								WELL	US DEPT OF INTERIOR NATIONAL PA
S76LJ W148967-00	ST	15.00 G	10.40	18 34N 20W FL							X	FLATHEAD RIVER, NORTH FORK	ROCKY BAR O RANCH
S76LJ W147049-00	DM	100.00 G	1.50	20 34N 20W FL							X	FLATHEAD RIVER, NORTH FORK	DOWNES A LEE
G76LJ C007696-00	RC	15.00 G	3.11	NESESE 20 34N 20W FL								WELL (DEPTH - 42 FT)	US DEPT OF INTERIOR NATIONAL PA
G76LJ C060088-00	DM	28.00 G	1.50	NWNWSW 20 34N 20W FL								WELL	DOWNES A LEE
G76LJ W162303-00	RC	20.00 G	2.00	NWSWNW 21 34N 20W FL								WELL	US DEPT OF INTERIOR NATIONAL PA
S76LJ W051237-00	ST	.10 C	.85	SWSENW 2 34N 21W FL								HAY CREEK	US DEPT OF AGRICULTURE FOREST S
S76LJ W026540-00	CM	60.00 G	3.50	NWSENW 8 34N 21W FL							X	MORAN CREEK	PITTMAN LINDA R PITTMAN CARL W
S76LJ W051235-00	DM	.10 C	.20	SESENE 9 34N 21W FL							X	FLATHEAD RIVER, NORTH FORK	US DEPT OF AGRICULTURE FOREST S
G76LJ T010694-00	DM			11 34N 21W FL								WELL	THOMPSON SHIRLEY K THOMPSON JOHN M HARKER JEFFERY P HARKER JEFFERY P GREENE ROSE B PITTMAN LINDA R PITTMAN CARL W
S76LJ P016007-00	IR	50.00 G	4.50	NENENW 11 34N 21W FL								HAY CREEK	SONNENBERG S U SMITH RICHARD SMITH MARY
G76LJ C021793-00	DM	10.00 G	1.50	NENENW 11 34N 21W FL								WELL	
G76LJ C018423-00	DM	10.00 G	1.50	NWNENW 11 34N 21W FL								WELL	
G76LJ C034736-00	DM	10.00 G	1.66	SWNENW 11 34N 21W FL								WELL	
S76LJ P015986-00	DM		.25	NWSENW 11 34N 21W FL							X	HAY CREEK	
S76LJ P065683-00	DM	10.00 G	.75	NWSENW 11 34N 21W FL							X	HAY CREEK	
S76LJ W148966-00	ST	15.00 G	9.12	13 34N 21W FL							X	FLATHEAD RIVER, NORTH FORK	ROCKY BAR O RANCH
S76LJ W148965-00	ST	15.00 G	10.40	NENENE 13 34N 21W FL							X	FLATHEAD RIVER, NORTH FORK	ROCKY BAR O RANCH

WATER RIGHT LISTING BY LAND DESCRIPTION

WATER RIGHT	USE	RATE	VOLUME	POINT OF DIVERSION	QTR	SCTN	SC	TWP	RGE	CN	UT	SOURCE NAME	OWNER NAME
S76LJ P047776-00	ST	10.00 G	4.65	NWNENE 24 34N 21W FL							X	FLATHEAD RIVER, NORTH FORK	ROCKY BAR O RANCH
S76LJ W147046-00	PG	900.00 G	1,451.00	SWSE 26 34N 21W FL								CYCLONE CREEK	DOWNES A LEE
G76LJ C034736-01	DM	10.00 G	1.50	SWNENW 34 34N 21W FL								WELL	SMITH RICHARD SMITH MARY
S76LJ W147047-00	IR	900.00 G	50.00	NWNWNE 35 34N 21W FL							X	CYCLONE CREEK	DOWNES A LEE
S76LJ W147048-00	DM	20.00 G	1.50	NESWNE 35 34N 21W FL								CYCLONE CREEK	DOWNES A LEE

FORM 600 CHECKLIST

75419  
Application No.      S      76D  
S/G      Basin      8-2-90  
Received Date

FORM CHECKLIST:

	OK	NOK
1.		
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DEFICIENT/RETURN:

Certified No. \_\_\_\_\_ 30 Day Deadline (up to 3 mo.) \_\_\_\_\_  
Application Corrected \_\_\_\_\_ (date) Priority Date Changed  Yes, \_\_\_\_\_ (date)

PROCESSING CHECK:

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Fee required <u>50.00</u> Fee received <u>50.00</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Code sheet enclosed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Environmental Assessment enclosed.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Affected Ownership map/list of water users to receive individual notices.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Affidavit of Certification of Publication.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Irrigation Requirements Worksheet.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. Copy of supplemental water right(s) enclosed.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8. Waive Notice checklist.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9. Drainage area map (required for firm yield analysis).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10. 612 signed and in the file.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	11. 612 due from applicant by: _____ (date).
<input type="checkbox"/>	<input type="checkbox"/>	12. Other _____

ACTION REQUIRED BY PROCESSING UNIT:

- 1. Review by Water Sciences Bureau \_\_\_\_\_.
- 2. Run Affidavit of Service per ownership list and publish.
- 3. Prepare groundwater Ownership.
- 4. Needs 612ed if no objections \_\_\_\_\_.
- 5. Issue Permit (notice waived).
- 6. Use completion due date 11-30-90 91.



FORM 600 ENVIRONMENTAL ASSESSMENT CHECKLIST

- 1. Will the diversion be for more than 15 cfs or 10,000 acre feet?  
Yes \_\_\_\_\_ No X
- 2. If the permit is granted will future diversions from the water source likely be precluded?  
Yes \_\_\_\_\_ No X
- 3. Is there evidence of controversy regarding the proposed diversion (other than that involving rights of prior appropriator)?  
Yes \_\_\_\_\_ No X
- 4. Is the point of diversion, conveyance or place of use near a special use area (e.g., wild, scenic or recreational river, wilderness area, wildlife management area, recreational site)?  
Yes \_\_\_\_\_ No X
- 5. Is the diversion of water from a blue ribbon stream or water source with a similarly important fishery resource?  
Yes \_\_\_\_\_ No X
- 6. Will the diversion, conveyance or place of use be on or near an important area for terrestrial wildlife (e.g., nesting site, winter range)?  
Yes \_\_\_\_\_ No X
- 7. Is saline seep a present or projected problem in the vicinity of the place of use?  
Yes \_\_\_\_\_ No X
- 8. Will the proposed diversion require a substantial expenditure of funds in order to put it to beneficial use?  
Yes \_\_\_\_\_ No X
- 9. Are there any known sites of historic or prehistoric importance near the proposed diversion, conveyance or place of use?  
Yes \_\_\_\_\_ No X
- 10. Are there any present land uses that would be limited or precluded if the proposed diversion is put to beneficial use?  
Yes \_\_\_\_\_ No X

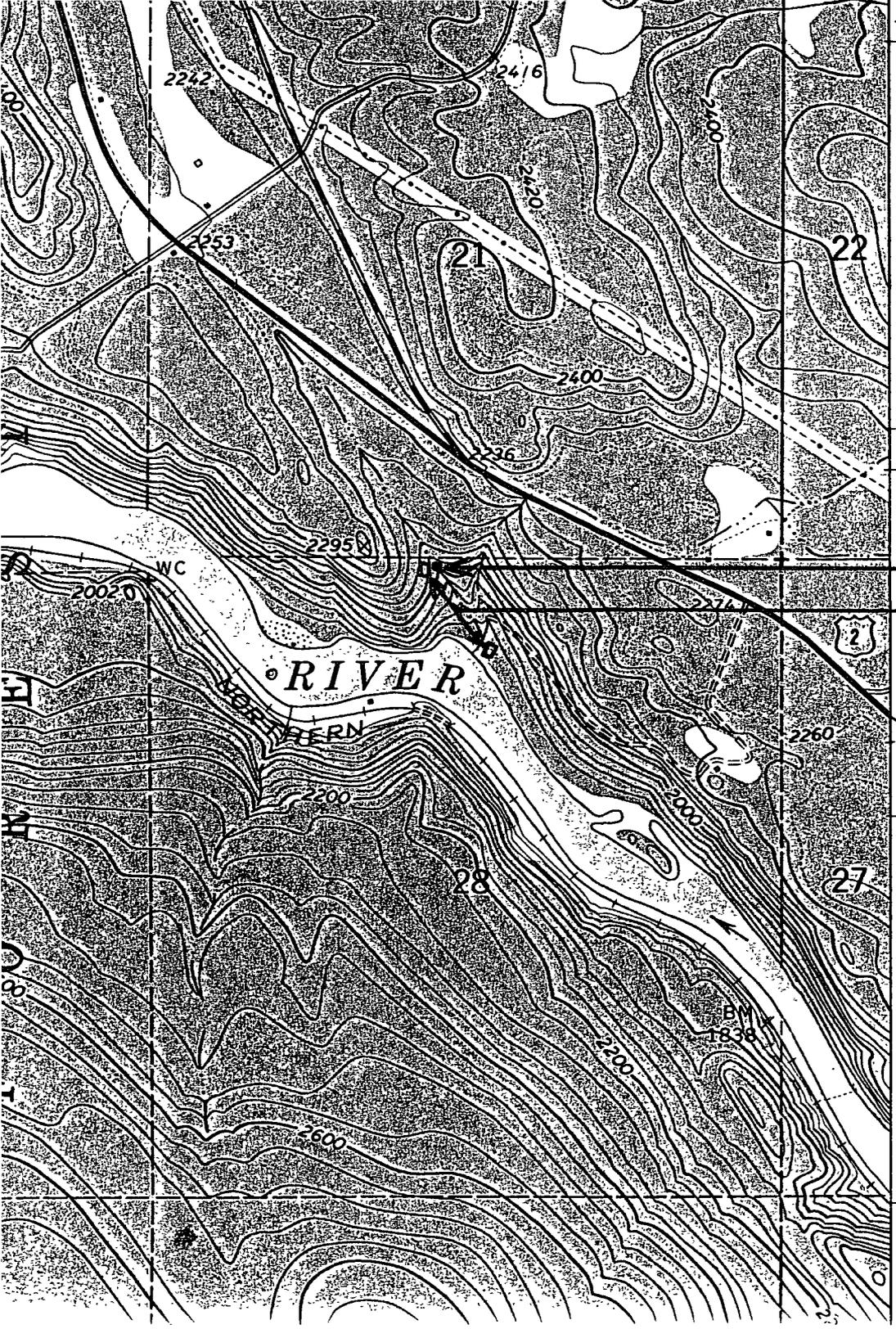
In consideration of the above responses, particularly those in the affirmative, note any environmental, social or economic impacts which may be attributed to issuance of the permit.  
**( NONE )**

Recommendation concerning the preparation of a PER or EIS.  
Yes \_\_\_\_\_ (PER) No X  
Yes \_\_\_\_\_ (EIS)  
Uncertain, request further review by \_\_\_\_\_

Reviewer *Russell* Date 8-16-90

DOUGLAS & KATHLEEN SHEFFLER

75419



5385

22

5384

2 530 000 FEET  
(IDAHO)

Point of Diversion

PLACE OF USE

Two HOMES

TROY 11 MI  
LIBBY 29 MI

5383

28-33-34

5382



TATES  
THE INTERIOR  
SURVEY

IDAHO

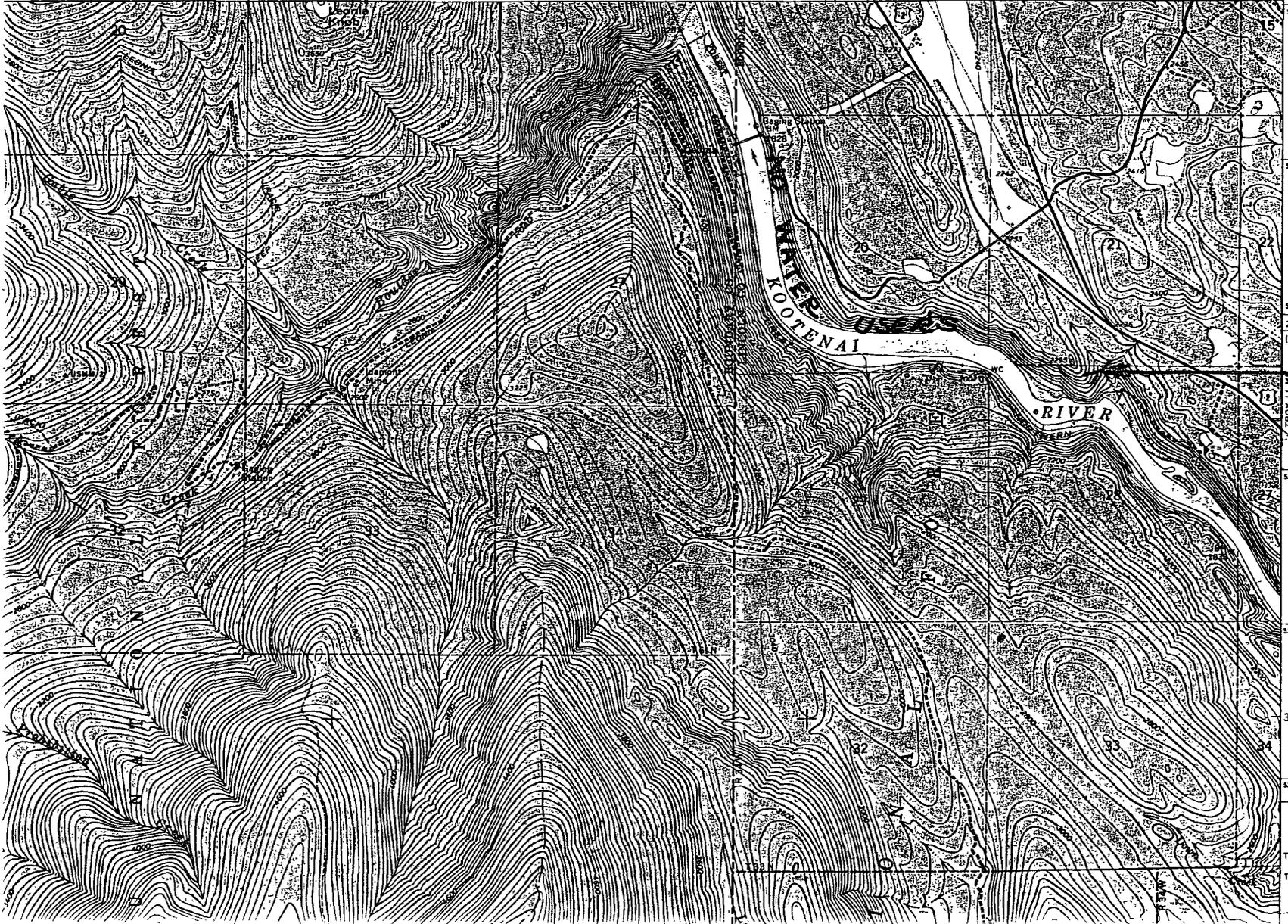
MONTANA

LEONIA QUADRANGLE  
IDAHO-MONTANA

7.5 MINUTE SERIES (TOPOGRAPHIC)

288 1/4 NW  
(NEWTON M 7N 1)

566 567 5' 1410000 FEET (MONT) 2781 1/2 NE (CURLY CREEK) R 3E R 34 W 2'30" 430000 FEET (IDAHO) 572 573 116°00'



48°37'30"

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# Notice of Completion

10-12-90

# NOTICE OF COMPLETION OF PERMITTED WATER DEVELOPMENT

This notice must be filed by the permit holder on the completed water development pursuant to Section 85-2-312, MCA.

The deadline for completion of this PERMIT NO. <sup>70</sup>75419-76D (LN) and the filing of this Notice of Completion of Permitted Water Development is NOVEMBER 30, 1991.

## RECEIVED

OCT 11 1990

(I)(We) Douglas A. & Kathleen Sheffler MONTANA D.N.R.C.  
KALISPELL FIELD OFFICE  
Permit Holder

Address 10809 Hwy 2 N.

City Troy State Montana Zip 59935

Home Phone (406)- 295-5773 Other Phone \_\_\_\_\_

attest that the water development has been completed and water put to beneficial use in accordance with the terms and conditions of the Permit.

If the development was not completed as permitted, give details of the appropriation as actually developed.

## FILMED

OCT 24 1990

Signature: Douglas A. Sheffler Permittee Date: 10/6/90

Signature: Kathleen Sheffler Permittee Date: 10/6/90

Subscribed and sworn before me, this 6<sup>th</sup> day October, 19 90

Margaret J. Fleming  
 Notary Public for the State of Montana

Residing at Troy

My Commission expires 3-5-91

Send completed form to:

**MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION**

1520 EAST SIXTH AVENUE

HELENA, MONTANA 59620

444-6610

# DNRRC

NO FILING FEE REQUIRED

*File  
10-18-90*

**Public Notice**  
**Objections**  
**Hearings Information**

WAIVE NOTICE FACT SHEET

Application No. 75419

1.) Name of person who prepared this fact sheet and is recommending this application for waiver before the Waive Notice Committee:

Richard D Russell  
(Signature)

2.) Document all water users or landowners contacted: (abbreviate the contacts made by indicating, T=telephone, L=letter, P=personal)

<u>Time, Date, and How Contacted</u>	<u>Name</u>	<u>Response</u>
a. <u>NO DOWN STREAM USERS</u>		
b. _____		
c. _____		
d. _____		
e. _____		
f. _____		

3.) Was a field investigation made and report written?  Yes  No  
If No, explain: NO REPORT, FIELD INVESTIGATION MADE

4.) Current applications or existing water rights in the possible affected area:

<u>Name</u>	<u>Application No. or Ref. No.</u>	<u>Status or Amt. &amp; Source</u>
a. <u>NONE</u>		
b. _____		
c. _____		
d. _____		
e. _____		
f. _____		

5.) List below all stream flow records, soil surveys, geology reports, specially prepared reports, etc., used in making a determination to waive public notice. (Also indicate if the report or record is in the file. If not, state where it is located.)

THERE ARE NO OTHER WATER USERS BEFORE WATER FLOWS INTO IDAHO.

6.) Waive Notice Committee recommends the application be:  waived  not waived

a. Date action taken 8-16-90

b. Signature of Committee members agreeing to waive:

- 1.) Richard Russell
- 2.) W. J. Smith
- 3.) Al Russell
- 4.) Charles F. Brason
- 5.) \_\_\_\_\_
- 6.) \_\_\_\_\_

WAIVE NOTICE CHECKLIST

Application No. 75419

Analyst Rich RUSSELL

General Instructions: This checklist must be completed and the responses to the following questions should, unless supportive evidence and circumstances prove otherwise, all be in the WAIVE NOTICE column before proceeding to the Waive Notice fact sheet on the reverse side. If one response is in the DO NOT WAIVE column, then caution should be exercised in the Waive Notice process and possibly the application should be advertised. (Circle Yes or No)

	Waive Notice	Do Not Waive
1.) Is the application in a controlled groundwater area? - - -	<input checked="" type="radio"/> No	Yes
2.) Is the application for waters that flow into, through, adjacent to, or under an Indian Reservation? - - - - -	<input checked="" type="radio"/> No	Yes
3.) Is there potential significant environmental impact? - - -	<input checked="" type="radio"/> No	Yes
4.) Have all the criteria for issuance of a <u>permit</u> been met? - - - - -	<input checked="" type="radio"/> Yes	No
5.) The proposed application for change will not adversely affect the rights of other persons? - - - - -	<input checked="" type="radio"/> No	Yes
6.) The application is on a decreed stream and no field investigation and field report have been made. - - - - -	<input checked="" type="radio"/> No	Yes
7.) The application is for a reservoir on the source stream where facts about the construction and safety of the dam are unknown. - - - - -	<input checked="" type="radio"/> No	Yes
8.) The proposed well is in a populated area or sub-division. - - - - -	<input checked="" type="radio"/> No	Yes
9.) The groundwater source is an artesian aquifer where rapid affect to water well pressure of prior users may be evident. - - - - -	<input checked="" type="radio"/> No	Yes
10.) The application is in an area of known water conflicts. - -	<input checked="" type="radio"/> No	Yes
11.) The application is in an area of known environmental concern. - - - - -	<input checked="" type="radio"/> No	Yes
12.) The application is in a known water short area. - - - - -	<input checked="" type="radio"/> No	Yes
13.) The application is in the Big Flat groundwater study area. - - - - -	<input checked="" type="radio"/> No	Yes

Remarks: THERE ARE NO DOWN STREAM USERS ON THIS UNNAMED TRIB, AND THERE ARE NO DOWN STREAM USERS ON THE KOOTENAI RIVER BEFORE IT FLOWS INTO IDAHO.

**Transfers:**  
Transfers and  
attachments

**Transfers**